



House of Representatives

General Assembly

File No. 644

January Session, 2011

House Bill No. 5814

House of Representatives, April 27, 2011

The Committee on Judiciary reported through REP. FOX of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING CHILDREN AND CRUELTY TO ANIMALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 46b-140 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (c) The court may order, as a condition of probation, that the child
5 (1) reside with a parent, relative or guardian or in a suitable foster
6 home or other residence approved by the court, (2) attend school and
7 class on a regular basis and comply with school policies on student
8 conduct and discipline, (3) refrain from violating any federal or state
9 law or municipal or local ordinance, (4) undergo any medical or
10 psychiatric evaluation or treatment deemed necessary by the court, (5)
11 submit to random drug or alcohol testing, or both, (6) participate in a
12 program of alcohol or drug treatment, or both, (7) make restitution to
13 the victim of the offense in accordance with subsection (d) of this
14 section, (8) participate in an alternative incarceration program or other
15 program established through the Court Support Services Division, (9)

16 participate in a program of community service, and (10) satisfy any
17 other conditions deemed appropriate by the court. The court shall
18 cause a copy of any such order to be delivered to the child, the child's
19 parents or guardian and the child's probation officer. If the child is
20 convicted as delinquent for a violation of section 53-247, as amended
21 by this act, the court [may] shall order, as a condition of probation, that
22 the child undergo psychiatric or psychological counseling or
23 participate in an animal cruelty prevention and education program
24 provided such a program exists and is available to the child.

25 Sec. 2. Subsection (b) of section 54-76j of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective*
27 *October 1, 2011*):

28 (b) If execution of the sentence is suspended under subdivision (6)
29 of subsection (a) of this section, the defendant may be placed on
30 probation or conditional discharge for a period not to exceed three
31 years, provided, at any time during the period of probation, after
32 hearing and for good cause shown, the court may extend the period as
33 deemed appropriate by the court. If the court places the person
34 adjudicated to be a youthful offender on probation, the court may
35 order that, as a condition of such probation, the person be referred for
36 services to a youth service bureau established pursuant to section 10-
37 19m, provided the court finds, through an assessment by a youth
38 service bureau or its designee, that the person is in need of and likely
39 to benefit from such services. If the court places a youthful offender on
40 probation, school and class attendance on a regular basis and
41 satisfactory compliance with school policies on student conduct and
42 discipline may be a condition of such probation and, in such a case,
43 failure to so attend or comply shall be a violation of probation. If the
44 court has reason to believe that the person adjudicated to be a youthful
45 offender is or has been an unlawful user of narcotic drugs, as defined
46 in section 21a-240, and the court places such youthful offender on
47 probation, the conditions of probation, among other things, shall
48 include a requirement that such person shall submit to periodic tests to
49 determine, by the use of "synthetic opiate antinarcotic in action",

50 nalline test or other detection tests, at a hospital or other facility,
51 equipped to make such tests, whether such person is using narcotic
52 drugs. A failure to report for such tests or a determination that such
53 person is unlawfully using narcotic drugs shall constitute a violation of
54 probation. If the court places a person adjudicated as a youthful
55 offender for a violation of section 53-247, as amended by this act, on
56 probation, the court [may] shall order that, as a condition of such
57 probation, the person undergo psychiatric or psychological counseling
58 or participate in an animal cruelty prevention and education program,
59 provided such a program exists and is available to the person.

60 Sec. 3. Section 53-247 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective October 1, 2011*):

62 (a) Any person who overdrives, drives when overloaded,
63 overworks, tortures, deprives of necessary sustenance, mutilates or
64 cruelly beats or kills or unjustifiably injures any animal, or who,
65 having impounded or confined any animal, fails to give such animal
66 proper care or neglects to cage or restrain any such animal from doing
67 injury to itself or to another animal or fails to supply any such animal
68 with wholesome air, food and water, or unjustifiably administers any
69 poisonous or noxious drug or substance to any domestic animal or
70 unjustifiably exposes any such drug or substance, with intent that the
71 same shall be taken by an animal, or causes it to be done, or, having
72 charge or custody of any animal, inflicts cruelty upon it or fails to
73 provide it with proper food, drink or protection from the weather or
74 abandons it or carries it or causes it to be carried in a cruel manner, or
75 fights with or baits, harasses or worries any animal for the purpose of
76 making it perform for amusement, diversion or exhibition, shall be
77 fined not more than one thousand dollars or imprisoned not more than
78 one year or both.

79 (b) Any person who maliciously and intentionally maims, mutilates,
80 tortures, wounds or kills an animal shall be fined not more than five
81 thousand dollars or imprisoned not more than five years or both. The
82 provisions of this subsection shall not apply to any licensed

83 veterinarian while following accepted standards of practice of the
84 profession or to any person while following approved methods of
85 slaughter under section 22-272a, while performing medical research as
86 an employee of, student in or person associated with any hospital,
87 educational institution or laboratory, while following generally
88 accepted agricultural practices or while lawfully engaged in the taking
89 of wildlife.

90 (c) Any person who knowingly (1) owns, possesses, keeps or trains
91 an animal engaged in an exhibition of fighting for amusement or gain,
92 (2) possesses, keeps or trains an animal with the intent that it be
93 engaged in an exhibition of fighting for amusement or gain, (3) permits
94 an act described in subdivision (1) or (2) of this subsection to take place
95 on premises under his control, (4) acts as judge or spectator at an
96 exhibition of animal fighting for amusement or gain, or (5) bets or
97 wagers on the outcome of an exhibition of animal fighting for
98 amusement or gain, shall be fined not more than five thousand dollars
99 or imprisoned not more than five years or both.

100 (d) Any person who intentionally injures any animal while such
101 animal is in the performance of its duties under the supervision of a
102 peace officer, as defined in section 53a-3, or intentionally injures a dog
103 that is a member of a volunteer canine search and rescue team, as
104 defined in section 5-249, while such dog is in the performance of its
105 duties under the supervision of the active individual member of such
106 team, shall be fined not more than five thousand dollars or imprisoned
107 not more than five years or both.

108 (e) Any person who intentionally kills any animal while such
109 animal is in the performance of its duties under the supervision of a
110 peace officer, as defined in section 53a-3, or intentionally kills a dog
111 that is a member of a volunteer canine search and rescue team, as
112 defined in section 5-249, while such dog is in the performance of its
113 duties under the supervision of the active individual member of such
114 team, shall be fined not more than ten thousand dollars or imprisoned
115 not more than ten years or both.

116 (f) Any person eighteen years of age or older who violates a
117 provision of this section in the presence of a child under the age of
118 eighteen shall be fined not more than double the amount provided for
119 in such provision or imprisoned not more than double the term
120 provided for in such provision or both.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	46b-140(c)
Sec. 2	<i>October 1, 2011</i>	54-76j(b)
Sec. 3	<i>October 1, 2011</i>	53-247

KID *Joint Favorable C/R*

JUD

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Judicial Dept.	GF - Potential Revenue Gain	375	500
Social Services, Dept.	GF - Potential Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill doubles the fine for cruelty to animals when the offender commits the crime in the presence of a child, which will result in an annual revenue gain to the General Fund of less than \$375 in FY 12¹ and \$500 in FY 13.²

Certain Department of Children and Families children are covered by Husky. To the extent that the children impacted by the bill are covered by HUSKY there may be a cost to the Department of Social Services. The cost would depend on whether or not the children affected are covered by HUSKY which cannot be determined at this time.

The Out Years

The annualized ongoing revenue identified above would remain constant into the future since fine amounts are set by statute.

Sources: *Judicial Department Offenses and Revenue Database*

¹ This figure reflects an October 1, 2011 effective date.

² In 2010 there were three offenses for cruelty to animals, with \$450 in revenue collected.

OLR Bill Analysis**HB 5814*****AN ACT CONCERNING CHILDREN AND CRUELTY TO ANIMALS.*****SUMMARY:**

This bill requires, rather than permits, the court to order a child (under age 16) or youthful offender (age 16 or 17) convicted of cruelty to animals to undergo psychiatric or psychological counseling or participate in an existing animal cruelty prevention and education program as a condition of probation.

The bill also doubles the maximum penalty for an adult who violates the law on cruelty to animals in the presence of a child under age 18.

EFFECTIVE DATE: October 1, 2011

CRUELTY TO ANIMALS AND PENALTIES

The bill permits up to double the current fine and prison term as the penalty for anyone age 18 and older who violates the law's cruelty to animals provisions in the presence of anyone under age 18. Existing law prescribes the following offenses and penalties for cruelty to animals.

1. Overworking, cruelly beating, unjustifiably injuring, or failing to provide proper care including food and water to an animal is punishable by a fine of up to \$1,000, imprisonment for up to one year, or both.
2. Maliciously and intentionally maiming or killing an animal is punishable by a fine of up to \$5,000, imprisonment for up to five years, or both.

3. Keeping or training animals to fight in exhibitions for

amusement or gain, permitting such exhibitions on one's property, acting as a judge or spectator at such an exhibition, or wagering on the outcome is punishable by a fine of up to \$5,000, imprisonment for up to five years, or both.

4. Injuring an animal performing its duties under the supervision of (a) a peace officer or (b) an active individual member of a volunteer canine search and rescue team (see BACKGROUND) is punishable by a fine of up to \$5,000, imprisonment of up to five years, or both. Killing such an animal is punishable by a fine of up to \$10,000, imprisonment of up to 10 years, or both.

BACKGROUND

Canine Search and Rescue Team

A "volunteer canine search and rescue team" is an individual and a dog (1) appropriately trained and certified to undertake search and rescue operations by a nonprofit canine search and rescue organization that is a member of the National Association of Search and Rescue or its successor organization and (2) who jointly engage in such operations at the request of a police officer or fire department and provide services without compensation.

Related Bill

sHB 6226 (File 406) requires animal control officers and Department of Children and Families (DCF) employees to report to the Department of Agriculture on suspected animal cruelty. The DCF commissioner then must determine whether any animal cruelty report corresponds to an open investigation of child abuse or neglect.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference
Yea 9 Nay 0 (02/15/2011)

Judiciary Committee

Joint Favorable

Yea 43 Nay 2 (04/14/2011)